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Atari Interactive, Inc.  
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9 UNITED STATES DISTRICT COURT  
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11 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

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ATARI INTERACTIVE, INC.,  
Plaintiff,  
vs.  
REDBUBBLE, INC.,  
Defendant.

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AND RELATED ACTIONS

Case No. 4:18-cv-03451-JST  
[Related to Case Nos. 3:18-cv-03843-JST; 3:18-cv-04115; 4:18-cv-04949-JST; and 4:19-cv-00264-JST]

**DECLARATION OF FRANCISCO  
CUELLAR IN SUPPORT OF ATARI  
INTERACTIVE, INC.'S OPPOSITION TO  
REDBUBBLE, INC.'S MOTION FOR  
SUMMARY JUDGMENT AND REPLY IN  
SUPPORT OF ITS MOTION FOR  
SUMMARY JUDGMENT**

Judge: Hon. Jon S. Tigar  
Date: July 15, 2020  
Time: 2:00 p.m.  
Crtrm.: 6 - 2nd Flr.

## **DECLARATION OF FRANCISCO CUELLAR**

I, Francisco Cuellar, declare and state as follows:

3       1. I am the Office Services Manager for Browne George Ross LLP, counsel of record  
4 for Atari Interactive, Inc. in this matter. I have firsthand, personal knowledge of the facts set forth  
5 below and if called as a witness could and would competently testify thereto.

6       2. On May 29, 2020, I accessed Redbubble's website at redbubble.com and performed  
7 a search for "adventure dragon atari." That search yielded 20 results, and I captured a screenshot  
8 of those results. A true and correct copy of this screenshot is attached hereto as "**Exhibit A.**"

9       3.       On June 9, 2020, I accessed a product listing on Redbubble's website, entitled  
10      "Retro Arcade Missile Command Slim Fit T-Shirt." I captured a screenshot of the product listing.  
11      A true and correct copy of this screenshot is attached hereto as "**Exhibit B.**"

12 4. On June 9, 2020, I accessed a product listing on Amazon's website, entitled  
13 "Ripple Junction Atari Asteroids Adult T-Shirt." I captured a screenshot of the product listing. A  
14 true and correct copy of this screenshot is attached hereto as "**Exhibit C.**"

15 5. On June 9, 2020, I accessed a product listing on eBay's website, entitled "Atari  
16 Classic Logo T-Shirt." I captured a screenshot of the product listing. A true and correct copy of  
17 this screenshot is attached hereto as "**Exhibit D.**"

18 Executed this 10th day of June, at Los Angeles, California.

19 I declare under penalty of perjury under the laws of the United States of America that the  
20 foregoing is true and correct.

Francisco Chellar

**CERTIFICATE OF SERVICE**

2 I hereby certify that on this 10<sup>th</sup> day of June, 2020, I electronically filed the  
3 foregoing **DECLARATION OF FRANCISCO CUELLAR IN SUPPORT OF ATARI**  
4 **INTERACTIVE, INC.'S OPPOSITION TO REDBUBBLE, INC.'S MOTION FOR**  
5 **SUMMARY JUDGMENT AND REPLY IN SUPPORT OF ITS MOTION FOR**  
6 **SUMMARY JUDGMENT** with the Clerk of the Court using the CM/ECF system which will  
7 send notification of such filing to the following:

## SERVICE LIST

*Atari Interactive, Inc. v. Redbubble Inc.*

U.S.D.C. N.D. CA, Oakland Division Case No. 4:18-CV-03451-JST  
[Related to Case Nos. 3:18-cv-03843-JST; 3:18-cv-04115;  
4:18-cv-04949-JST; and 19-cv-00264-JST]

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